

## CONGRESSIONAL RECORD SUMMARY

Tuesday, November 19, 2002

### PART I

#### SENATE

##### Measures Introduced:

**S. 3173.** A bill *to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees*, and for other purposes; to the Committee on Governmental Affairs.

Durbin

*Pages S 11574, S 11577-79*

**S. 3174.** A bill *to permanently reenact chapter 12 of title 11, United States Code*, and for other purposes; to the Committee on the Judiciary.

Grassley

*Page S 11574*

##### Measures Reported:

**Report to accompany S. 2480**, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns. (**S. Rept. No. 107-345**)

**S. 1822**, to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over.

*Pages S 11573, D 1167*

##### H.R. 5005 - Homeland Security Act:

*By 90 yeas to 9 nays (Vote No. 249), Senate passed H.R. 5005, to establish the Department of Homeland Security, after taking action on the following amendments proposed thereto:*

*Pages S 11358-11404 (Pt. 1), S 11405-511, D 1167*

##### **Adopted:**

*By 73 yeas to 26 nays (Vote No. 247), Thompson (for Gramm) Amendment No. 4901*, in the nature of a substitute.

*Pages S 11358, S 11371-73 (Pt. 1), D 1167*

**\*\*\*Please note: entire text of adopted amendment (4901) above is printed in Part II, pages S 11462-511. [Excerpts below.]**

##### **“...Sec. 3524. Effect of subsequent employment with the Government**

(a) The term ‘employment’—...

(3) If the employment under this section is with the judicial branch, *the Director of the Administrative Office of the United States Courts may waive the repayment* if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

##### **Sec. 3525. Regulations.**

(2) *Administrative Office of the United States Courts.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program substantially similar to the program established under paragraph (1) for individuals serving in the judicial branch...*

*Page S 11504*

**H.J. Res. 124 - Continuing Appropriations:**

*By 92 yeas to 2 nays (Vote No. 253), Senate passed H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President.*

*Pages S 11531-36, D 1168*

**H.R. 3210 - Terrorism Risk Protection Act Conference Report--Cloture Motion Filed:**

*Pursuant to the order of November 15, 2002, a motion was entered to close further debate on the conference report on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.*

*Pages S 11525, D 1171*

**H.R. 3210 - Terrorism Risk Protection Act Conference Report:**

*By 86 yeas to 11 nays (Vote No. 252), Senate agreed to the conference report on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, clearing the measure for the President.*

*Pages S 11524-30, D 1171*

**During consideration of this measure today, Senate also took the following action:**

*By 85 yeas to 12 nays (Vote No. 251), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report.*

*Pages S 11525, D 1171*

**Nominations Confirmed:**

**Senate confirmed the following nominations:**

*By 55 yeas 44 nays (Vote No. EX. 250), Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.*

*Pages S 11512-22, D 1171*

*"...Voters sent us a clear message, it seems to me, that we should end the obstruction and maltreatment of judicial nominees. We need to evaluate judges or potential judges as unbiased umpires who call the balls and the strikes as they are, not as they alone see them and not as they want them to be. We must end the practice of projecting ideology to see if an umpire is pro-bat or pro-ball, pro-batter or pro-pitcher. Our job is to determine the character and temperament of a nominee to the judiciary. Period. This is true of the trial bench, the appellate court, and the Supreme Court. Again, I express my great satisfaction that the Judiciary Committee has favorably recommended the nomination of Judge Dennis Shedd of South Carolina for a vote of the full Senate. When Judge Shedd was nominated to the federal trial bench, Chairman Biden had this to say to him: 'I have worked with you for so long that I believe I am fully qualified to make an independent judgment about your working habits, your integrity, your honesty, and your temperament. On all these scores, I have found you to be beyond reproach.' This is high praise, indeed, and from a colleague from the other side of the aisle for whom we all have the greatest respect..." (Hatch, page S 11519)*

**Nominations Received:**

**Senate received the following nominations:**

*Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.*

*Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of Northern Mariana Islands for the term of four years.*

*Pages S 11658-59, D 1172*

**Remarks:**

On 100 Judicial Confirmations by Democratic-Led Senate.

Leahy

Page S 11522-24

**Chief Judge Lawrence Baskir.**

*"...The United States Court of Federal Claims is the only federal court where the President may appoint and dismiss the chief judge. Although this power has been available since the Court of Federal Claims was established in 1982, President George W. Bush is the first President to use this power to remove a sitting judge. That is a regrettable decision because of the integrity and outstanding judicial record of the former incumbent, Chief Judge Lawrence Baskir. His absence is already being felt in the slower pace of important procedural reforms that Chief Judge Baskir had launched to improve the fairness and efficiency of the Court of Federal Claims..."*

Leahy

Page S 11557

Nomination of Michael McConnell.

Harkin

Page S 11563

### **HOUSE**

*The House proceedings were included, in their entirety, in the Congressional Record Summary of Tuesday, November 19, 2002, Part I.*

**Next SENATE MEETING: Wednesday, 10:00 a.m., November 20, 2002.**

**Next HOUSE MEETING: Friday, 11:00 a.m., November 22, 2002.**

**OLA: S. Schwarz, A. Santos**